



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,697	03/31/2001	Keith W. Diveley	01,051	7446

20350 7590 07/14/2004

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

REAGAN, JAMES A

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,697

Applicant(s)

DIVELEY, KEITH W.

Examiner

James A. Reagan

Art Unit

3621

ML

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☒ Claim(s) 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). _____
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7, 8.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. This action is in response to the application filed on 31 March 2001.
2. Claims 1-35 have been examined.

Information Disclosure Statement

3. The Information Disclosure Statements filed on 29 October 2002 (paper #7), and on 18 April 2003 (paper #8), have been considered. Initialed copies of the Form 1449 are enclosed herewith.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requires of this title.

5. Claims 1-35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to nonstatutory subject matter. The basis of this rejection is set forth in a two-prong test of:

(1) whether the invention is within the technological arts; and

(2) whether the invention produces a useful, concrete, and tangible result.

6. For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological

arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

In the present case, the recited steps of merely receiving, assigning, establishing etc., does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed without the use of any technological apparatus, system or method such as, for example, a computer system, database, electronic circuit, or software application. These steps only constitute a method that is easily attainable without the use of any state-of-the-art devices or techniques.

Claim Objections

7. Claim 28 is objected to because of the following informalities: The phrase "inactivity period" is not correctly spelled.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 12 recites the limitation "*the client's customer database.*" There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-3, 5, 8, 9, 12, 14, 17, 24, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hensley (US 2002/0087337 A1) in view of Applicant's own admission.

Examiner's note: Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the *entire* reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner

Claim 1:

Hensley discloses an anonymous payment system (see at least paragraph 0011), thereby disclosing:

- *the payment service provider assigning a unique identifier to the customer;*

- *establishing an account with the payment service provider for the customer;*

Although Hensley does disclose a payment system, essentially disclosing the remainder of the limitations, Hensley does not specifically disclose:

- *a payment service provider receiving a payment from a customer;*
- *the payment service provider receiving payment instructions from the customer;*
- *crediting the account in an amount corresponding to the payment;*
- *transferring funds to a payee of the customer and client of the payment service provider pursuant to the instructions from the customer.*

However, the Applicant, in the background of the specification, does teach that credit accounts are used to purchase goods and services (see at least page 1, lines 8-13). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley with the Applicants recitations of long-standing and familiar payment systems and their techniques because it presents an efficient and user-friendly method of securely paying debts.

Claim 2:

With regard to the limitation of *maintaining the anonymity of the customer*, see at least Hensley paragraph 0011.

Claim 3:

Hensley discloses the anonymous payment system as shown in the rejections above. Hensley does not specifically disclose *utilizing a single, exclusive identifier for the customer and associating same with his or her account*. Applicant, however, on at least page 5, lines 15-16, does disclose that unique ID numbers are a conventional method of providing identification and authentication for a user's account. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley with the Applicants recitations of long-standing and familiar user ID numbers because it presents a well-organized and comprehensible method for maintaining security and anonymity for a unique and confidential account.

Claim 5:

With regard to the limitation of *establishing an additional account for the customer and associating same with an additional payee*, Hensley in at least paragraph 0011, discloses a plurality of customers and a plurality of service providers, essentially disclosing multiple accounts for a single customer. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hensley to provide multiple accounts from a single customer to a single service provider, such as a personal and business credit account, because this maintains the relationship between the customer and the service provider while increasing profits for the service provider and efficiency for the customer.

Claim 8:

The combination of Hensley/Applicant discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant do not specifically disclose *payment service provider reporting to the client/payee activity associated with customers of said client/payee*. However, the Examiner takes **Official Notice** that it is old and well known in the credit transaction arts to supply the credit card holder with a monthly statement of account activity, which provides a competent and protected method of ensuring that a user's account is not being abused.

Claim 9:

With regard to the limitations of:

- *said client/payee maintaining a customer database including identifiers for customers of same;*
- *providing information from said customer database to said payment service provider; and*
- *offering said payment services to said customers identified within said customer database.*

See at least Hensley, abstract, and related text.

Claim 12:

Hensley discloses the anonymous payment system as shown in the rejections above, as well as a customer database and network interconnectivity. Hensley does not specifically disclose *formatting the client's customer database*

for use by the payment service provider. However, the Examiner takes **Official Notice** that it is old and well known in the database and computer networking arts to provide an interface between selected servers, computer terminals, and other databases because it allows for the timely and efficient transfer of data and processing of transactions.

Claim 14:

Hensley, as shown above, discloses an anonymous payment system. Applicant, in the background of the specification, teaches that credit accounts are used to purchase goods and services. Although the combination of Hensley/Applicant does not specifically disclose the common and widely recognized features of a credit card and credit accounts, the Examiner takes **Official Notice** that it is old and well known in the credit card arts to:

- *the client designating multiple products for the payment service i.e. cash advance, credit purchase, insurance policies;*
- *the client designating payment denominations for each of its designated products i.e. minimum monthly payment;*
- *establishing payment service provider fees i.e. annual fees;*
- *inputting pricing bands based on the number of customers of the client for its products i.e. group or corporate discounts;*
- *inputting principle ranges for the products i.e. various preset spending or credit limits;*

- *inputting associated fees for the products* i.e. different interest rates for credit purchase and cash advances;
- *setting a variable fee schedule for the payment service provider* i.e. variable interest rates after a predetermined period of time, such as, for example, six months.

Claim 17:

With regard to the limitation of *setting criteria for customer eligibility for said payment services*, Hensley discloses a customer's rate plan for a cellular telephone, indicating a requirement for the payment service (see at least paragraphs 0019 and 0021). Hensley does not specifically disclose *excluding ineligible customers from a database of eligible customers for said payment services*. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to preclude a customer from the database and subsequently from the payment services if the customer does not meet certain requirements, such as, for example, not having an account that requires regular servicing.

Claim 24:

With regard to the limitations of *the customer interfaces with the payment service provider by one of a method from among the group consisting of*

- telephone with voice recognition;*
- Internet global computer network;*
- mail;*

- d) *in person;*
- e) *e-mail; and*
- f) *point-of-sale (POS) terminal with card reader,*

See Hensley, at least paragraph 0006.

Claims 31 and 32:

The combination of Hensley/Applicant discloses the anonymous payment system as shown in the rejections above. Since Hensley discloses multiple service providers (see at least paragraph 0011), multiple payment options are inherent. In addition, Applicant, in the background of the specification, teaches that credit accounts are used to purchase goods and services (see at least page 1, lines 8-13). Therefore the following limitations are disclosed as inherent and obvious during the payment system transaction:

- *the payment service provider receiving identification from the customer;*
- *displaying payment options to the customer;*
- *selecting a payment method;*
- *verifying the payment method;*
- *accepting the payment*
- *the client identifying multiple products;*
- *displaying the multiple client products to a customer;*
- *the customer choosing one or more products to pay on;*

- *the customer choosing one or more amounts to pay on the respective products; and*
- *making said customer-selected payments on said products.*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley with the Applicants recitations of long-standing and familiar payment systems and techniques because it presents an efficient and user-friendly method of securely paying debts.

- 12.** Claims 4, 6, 7, 10, 11, 13, and 23, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hensley/Applicant in view of Ganesan (US 2002/0087469 A1).

Claim 4:

The combination of Hensley/Applicant discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant do not specifically disclose *electronically crediting the account with said payment substantially immediately*. Ganesan, however, in at least paragraphs 0027 and 0028, discloses protecting personal information during an online payment transaction, as well as discloses the payment in real time (see at least paragraph 0056). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicants with

the real-time payment system of Ganesan because it affords a fast and efficient method of paying debts.

Claims 6, 7, and 23:

Hensley discloses the anonymous payment system as shown in the rejections above. Hensley does not specifically disclose:

- *identifying said account solely by the customer identifier;*
- *using a telephone number associated with the customer as the account identifier; and*
- *identifier comprises the customer's driver's license number.*

Ganesan, however, in at least paragraph 0044, discloses an identification number consisting of a telephone number or a driver's license number. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicants with the use of processing agents as shown by Ganesan because it provides an efficient and secure method of quickly identifying a user's account.

Claims 10 and 11:

The combination of Hensley/Applicant discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant do not specifically disclose:

- *said payment service provider maintaining an agent network,*
- *said customers communicating with said payment service provider through said agent network; and*

- *enrolling customers with said payment service provider through said agent network.*

Ganesan, however, in at least paragraphs 0107 and 0108, discloses a user registering with an online processing agent. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicants with the use of processing agents as shown by Ganesan because it affords a fast and efficient method of completing transactions and other associated administrative activities.

The combination of Hensley/Applicant/Ganesan does not disclose *said payment service provider paying a fee to said agents for each customer enrolled thereby*. However, Examiner takes **Official Notice** that it is old and well known in the transaction arts to pay a commission to agents who handle processing steps for customer and service providers. Using and paying an agent to match customers and service providers relieves the administrative burdens from both parties.

Claim 13:

The combination of Hensley/Applicant discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant do not specifically disclose *establishing with said payment service provider an account group comprising the customers of a client*. Ganesan, however, discloses communities of members, essentially disclosing a grouping of selected members (see at least paragraph (0110)). It would have been obvious to one of ordinary skill in the art at

the time of the invention to group selected customers together according to a predetermined metric based upon the nature and desired outcome of the grouping, thereby making it a design choice inherent to database functionality.

With regard to the limitations of *activating individual accounts upon enrollment of the customers of the client*, Ganesan discloses registration and enrollment of members, essentially disclosing activation of the member account (see at least paragraph 0110). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicants with Ganesan's use of enrollment because it provides a method for collecting relevant customer data as well as controlling the access to the services provided.

Claims 34 and 35:

The combination of Hensley/Applicant discloses the following limitations as shown in the rejections of claims 1 and 2 above:

- *a payment service provider receiving a payment from a customer;*
- *the payment service provider assigning a unique identifier to the customer;*
- *the payment service provider receiving payment instructions from the customer;*
- *establishing an account for the customer;*
- *crediting the account in an amount corresponding to the payment;*

- *transferring funds to a payee of the customer and client of the payment service provider pursuant to the instructions from the customer;*
- *maintaining the anonymity of the customer;*

Hensley/Applicant do not specifically disclose *electronically crediting the account with said payment substantially immediately and identifying the account solely by the customer identifier*. Ganesan, however, in at least paragraphs 0027, 0028, and 0044, discloses protecting personal information during an online payment transaction, an identification number consisting of a telephone number or a driver's license number, and payment in real time (see at least paragraph 0056). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicants with the real-time payment system of Ganesan because it affords a fast and efficient method of paying debts.

- 13.** Claims 15, 16, 18, and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hensley/Applicant in view of Kolls (US 6,601,038 B1).

Claims 15 and 16:

The combination of Hensley/Applicant discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant do not specifically disclose:

- *printing a receipt for the customer upon receipt of payment from same;*
- *printing the customer's identification on the receipt;*
- *designating a service availability value on the receipt;*
- *printing on the receipt a commercial message from the client to the customer; and*
- *printing coupons for use by said customer.*

However, Kolls, in at least column 16, lines 46-57 discloses printing receipts, advertisements, and coupons, naturally disclosing the capability to print any kind and type of relevant data onto a printed medium. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicants with Kolls printing system because this would provide the customer with a valid record of the transaction as well as an incentive to purchase more services.

Claims 18 and 19:

The combination of Hensley/Applicant discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant do not specifically disclose:

- *communicating to said customer promotional information from said client; and*
- *communicating to said customer commercial messages from third parties consisting of entities which do not compete with the client.*

However, Kolls, in at least column 16, lines 46-57 discloses printing receipts, advertisements, and coupons, essentially disclosing the capability to print any kind and type of relevant data onto a printed medium. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicants with Kolls printing system because this would provide the customer with an incentive to purchase services for non-competitive sources while increasing customer loyalty.

Claims 20-22:

The combination of Hensley/Applicant discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant do not specifically disclose:

- *producing a card for said customer including the identifier;*
- *said card comprises one of the group comprising: a credit card; a debit card; and a prepaid card.*

However, Kolls, in at least the abstract and associated text, discloses credit cards, debit cards, and pre-paid cards, essentially disclosing the issuance of such cards. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicants with Kolls use of credit cards because this would provide the customer with an efficient and convenient universal purchasing tool. With regard to the limitation of *selectively concealing the identifier on the card*, the Examiner takes **Official Notice** that it is old and well known in the credit cards arts to

provide anonymous cards to the conceal the identity of the user as well as the value of the cards, protecting against fraudulent use.

14. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hensley/Applicant in view of Fredregill et al. (US 5,923,016 A).

Claim 25:

The combination of Hensley/Applicant discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant do not specifically disclose:

- *the payment service provider tabulating advertising and coupon impressions for the client;*
- *the payment service provider tabulating coupon redemptions for the client;*
- *the client paying the payment service provider for impressions;*
- *the client paying the payment service provider for redemptions;*
- *collecting customer data from coupon redemptions; and*
- *reporting coupon redemption customer data to the client.*

However, Fredregill discloses the common and widely-used method of issuing coupons (see at least column 1, lines 18-42), tabulating coupons as a function of redeeming points i.e. tabulating the points collected and using them against the purchase of an item (see at least column 6, lines 13-58), and collecting demographic information (see at least column 6, lines 1-11). Although

Fredregill does not specifically disclose which party does the tabulating, the reimbursement of the coupons, or reporting demographic data to a client, these steps are essential and inherent and therefore obvious to the process of issuing and collecting coupons for the purposes of gathering marketing data and statistics. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicants with the coupon redemption and point system of Fredregill because it increases profitability by identifying items of interest to the customers as well as incentivizing the items or services for sale.

Claim 26:

The combination of Hensley/Applicant discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant do not specifically disclose:

- *setting an interval for discounted payment service;*
- *counting customer payments; and*
- *discounting a customer payment upon reaching said interval.*

However, Fredregill discloses the common and widely-used method of issuing coupons (see at least column 1, lines 18-42), and tabulating coupons as a function of redeeming points i.e. accumulating the points collected and using them against the purchase of an item (see at least column 6, lines 13-58), Although Fredregill does not specifically disclose a set interval before the counted payments can be used for the purposes of a discount, the techniques

are equivalent inasmuch as the customer is awarded a discount after a predetermined amount of loyalty points have been earned. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicants with the coupon redemption and point system of Fredregill because it increases profitability by identifying items of interest to the customers as well as incentivizing the items or services for sale.

15. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hensley/Applicant in view of Schutzer (US 6,292,789 B1).

Claim 27:

The combination of Hensley/Applicant discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant do not specifically disclose:

- *displaying a new customer screen upon enrollment of a new customer by said payment service provider;*
- *capturing enrollment information concerning said new customer;*
and
- *promoting other services of one of said payment service provider and said client to said customer.*

However, Schutzer discloses registration i.e. enrollment of a new customer, and providing the customer with further options regarding his bill

paying choices (see at least column 11, lines 33-50). Although Schutzer does not specifically disclose capturing screen information regarding the customer, it is inherent to the registration process to save and store customer information while conducting an online computerized enrollment process. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicants with the enrollment and bill paying options of Schutzer because the technique provides an efficient and user-friendly manner in which to enroll new customers into the bill paying system.

16. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hensley/Applicant in view of Tarter et al. (US 5,550,734 A).

Claim 28:

The combination of Hensley/Applicant discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant do not specifically disclose:

- *establishing a maximum permissible inactivity period;*
- *logging customer transactions and comparing same to said maximum inactivity period;*
- *detecting accounts which exceed said maximum allowable inactivity period; and*
- *retiring said accounts which exceed the maximum allowable inactivity period.*

However, Tarter discloses cleaning captured claims and responses after such events as a time out (see at least column 11, lines 48-51), as well as monitoring daily activity and deleting accounts if activity exceeds a predetermined parameter (see at least column 42, lines 30-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicants with Tarter's use of inactivity reports and deletion techniques because this maintains accurate and up-to-date records of current customers without unnecessarily taking up large amounts of storage space on accounts that have been abandoned.

17. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hensley/Applicant in view of Sullivan (US 6,386,444 B1).

Claims 29 and 30:

The combination of Hensley/Applicant discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant do not specifically disclose:

- *tracking customer transaction recurrences;*
- *monitoring customer retention;*
- *metering future marketing and rebate programs for clients based on transaction recurrences and customer retention;*
- *the payment service provider providing customer transaction records to the client;*

- *setting a required number of transactions for rebate with the client;*
- *counting said transactions with the client; and*
- *rebating the cost of customer cards to the client upon reaching the number of transactions required for rebate eligibility.*

However, Sullivan discloses recurring credit card charges, retention of existing customers, and rebates based on card usage (see at least column , line 61 to column 2, line 14; column 2, lines 36-44). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicants with Sullivan's use of recurring credit card usage, tracking, and rebate programs because this increases customer loyalty and profitability.

18. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hensley/Applicant in view of Schutzer, and further in view of Kolls.

Claim 33:

The combination of Hensley/Applicant discloses the anonymous payment system as shown in the rejections above. Hensley/Applicant do not specifically disclose:

- *the payment service provider enrolling customers for the clients; and*
- *the customer and the payment service provider selecting features and pricing by client.*

However, Schutzer discloses registration i.e. enrollment of a new customer, and providing the customer with further options regarding his bill paying choices (see at least column 11, lines 33-50), essentially disclosing the customer choosing a rate plan offered by the client. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicants with the enrollment and bill paying options of Schutzer because the technique provides an efficient and user-friendly manner in which to enroll new customers into the bill paying system.

Hensley/Applicant do not specifically disclose *providing client-specific advertising*. Kolls, However, in at least column 16, lines 46-57 discloses advertisements. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the anonymous payment system of Hensley/Applicants with Kolls advertising system because this would provide the customer with a valid record of the transaction as well as an incentive to purchase more services.

Application/Control Number:
09/823,697
Art Unit: 3621

Page 25

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **James A. Reagan** whose telephone number is **(703) 306-9131**. The examiner can normally be reached on Monday-Friday, 9:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **James Trammell** can be reached at (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 305-3900**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-7687 [Official communications; including

After Final communications labeled "Box AF"]

(703) 308-1396 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451
Crystal Drive, Arlington, VA, 7th floor receptionist.

JAR
08 July 04

